

REMARKS

In response to the non-final Office Action of November 15, 2007, applicants ask that all claims be allowed in view of the amendments and the following remarks. Claims 1-29 are pending, with claims 1, 11, 17, 26, and 27 being independent. Claim 1 has been amended and claim 29 has been added. Support for the amendment and new claim may be found in the application at, for example, page 5, lines 1-27. No new matter has been introduced.

Applicants acknowledge with appreciation Examiner Smith's indication that claims 11-22, 26, and 27 are allowed and that claims 7-10 recite allowable subject matter.

Claim Rejections—35 U.S.C. § 103

Claims 1-6, 23, 24, and 28 have been rejected as being unpatentable over U.S. Patent No. 3,092,071 (Simpson) in view of U.S. Patent No. 5,506,791 (Hungerford). Applicant requests reconsideration and withdrawal of this rejection because neither Simpson, Hungerford, nor any proper combination of the two describes or suggests a hand-operated fastening device that secures a one-piece clear polymer cover to a polymer housing such that an interaction between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, as recited in amended claim 1, and because it would not have been obvious to modify Simpson to include such a feature.

In Simpson, a device 10 has a movable part 11 that may occupy a variety of positions. See Simpson at col. 2, lines 57-59 and Fig. 1. A remote indicator 20, which includes a housing 21 and a pointer 23 mounted on a dial face 22 to display the movement of the movable part 11, displays the movement of the movable part 11 on a dial face 22. See Simpson at col. 3, lines 3-9 and Fig. 2. However, Simpson does not disclose a cover of any sort that encloses the pointer 23 and the dial face 22 in the housing 21, much less a one-piece clear polymer cover. Additionally, Simpson does not disclose a polymer housing. As Simpson does not disclose such a cover or a polymer housing, Simpson also does not describe or suggest a hand-operated fastening device that secures a one-piece clear polymer cover to a polymer housing such that an interaction

between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, as recited in amended claim 1.

Hungerford does not remedy the failure of Simpson to describe or suggest the noted features of amended claim 1. Hungerford relates to a fluid flow monitoring apparatus. See Hungerford at col. 1, lines 18-20. The apparatus includes a case 1 that houses electronic and mechanical components of the apparatus, including an operating panel 2 that includes a keypad 3, a liquid crystal display 4, and push buttons 5. See Hungerford at col. 6, lines 25-27 and lines 32-36 and Figs. 1 and 2. The case 1 includes a transparent door 6 that provides additional protection for the operating panel 2 when the door 6 is closed. See Hungerford at col. 6, lines 41-43 and Figs. 1 and 2. The door 6 is "hingedly secured at 6A to one side of the front case portion, and is retained in a closed position by a pair of ... lockable latches 6B at the opposite side." See Hungerford at col. 6, lines 38-41 and Fig. 1. However, the lockable latches 6B do not secure the door 6 to the case 1 such that an interaction between the case 1 and the door 6 creates a seal between the case 1 and the door 6. Rather, the case 1 including the operating panel 2 is completely sealed so as to be watertight, with added protection of operating panel 2 being afforded by fastening the door 6 in a closed position. See Hungerford at. Col. 6, lines 41-44. Indeed, "even when the door 6 is open, the case 1 with the components mounted therein is submersible, watertight, dust-tight, and corrosion resistant." See Hungerford at 44-46. Thus, it is the interaction between the case 1 and the operating panel 2 that creates the seal in Hungerford's apparatus because Hungerford seals the case 1 and the operating panel 2 so as to be watertight even when the door 6 is open. See Hungerford at col. 6, lines 41-48. In other words, securing Hungerford's door 6 to the case 1 with the lockable latches 6B does not create the seal between the case 1 and the door 6.

Thus, like Simpson, Hungerford does not describe or suggest a hand-operated fastening device that secures a one-piece clear polymer cover to a polymer housing such that an interaction between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, as recited in amended claim 1.

Moreover, it would not have been obvious to modify Simpson to include the noted feature of claim 1.

First, modification of Simpson to include the features of amended claim 1 would require a substantial redesign of Simpson's indicator 20, and, thus, such a modification would not have been obvious. See MPEP § 2143.01(IV). Aside from the noted feature of claim 1, and as acknowledged by the Office Action, Simpson does not include a polymer housing, a one-piece clear polymer cover enclosing a position indicator display an mechanism, a hinge connected to such a one-piece polymer cover, or a hand-operated fastening device. See Office Action at page 3. Thus, modification of Simpson to include the features of claim 1 would require that the housing 20 of the indicator 21 be made from a polymer, a one-piece polymer cover be attached to the housing 20, and a hinge attached to the one-piece polymer cover and the housing 20.

Second, the benefits enumerated in the Office Action do not provide a motivation for modifying Simpson with Hungerford. For example, at page 5, the Office Action asserts that it would have been obvious to modify Simpson with Hungerford in order to allow easier servicing of the components of Simpson's position indicator 21 when needed. However, there is no indication in Hungerford that the door 6 allows easier servicing of the fluid-flow monitoring apparatus. Because Hungerford does not describe or suggest a door that provides such advantages, one of ordinary skill in the art would not be motivated to modify Simpson's housing 21 with Hungerford's door 6.

Additionally, even if Hungerford's door 6 did allow easier servicing of the fluid-flow monitoring apparatus, adding such a door to Simpson's housing 20 would not allow easier servicing of the components of the position indicator 21. In particular, the indicator 20 includes a housing 21 "having a dial face 22 secured thereto" at multiple locations with screws 19 and a pointer 23 is mounted for rotational movement around the dial face 22. See Simpson at col. 3, lines 4-8 and Fig. 2. The pointer 23 is attached to a shaft 24, which is attached to a Geneva mechanism. See Simpson at col. 3, lines 9-11. However, as seen in Figure 2 of Simpson, the Geneva mechanism and other components of the indicator 20 are located beneath the dial face 22. Accordingly, adding the door 6 to Simpson's housing 20 would not allow easier servicing of

the components of position indicator 21 because the components are either beneath the attached dial face 22 (such as the Geneva mechanism) or already accessible (such as the pointer 23). For this additional reason, one of ordinary skill in the art would not have been motivated to modify Simpson to include Hungerford's door 6.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 1 and claims 2-5, 23, 24, and 28, which depend, directly or indirectly, from claim 1. Moreover, these dependent claims recite allowable subject matter in their own right.

For example, claim 2 recites "a hand-operated fastening device includes a latch, and the latch secures the one-piece clear polymer cover to the polymer housing such that the one-piece clear polymer cover can be opened without the use of tools." As discussed above, the housing 21 in Simpson is not a polymer housing, nor does Simpson show "a one-piece clear polymer cover enclosing the position indicator display and mechanism in the polymer housing." Thus, Simpson also fails to describe or suggest a hinge or latches that would secure such a polymer cover. Hungerford's door 6 is "hingedly secured at 6A to one side of the front case portion, and is retained in a closed position by a pair of stainless steel lockable latches 6B at the opposite side." See Hungerford at col. 6, lines 38-41. However, there is no indication that the latches 6B are hand-operated fastening devices that secure the door 6 to the case 1 such that the door 6 can be opened without the use of tools. Moreover, even if the latches 6B could be equated with such a hand-operated fastening device, modifying Simpson's housing 21 to include the latches 6B, in addition to modifying the housing 21 to be a polymer housing and adding a one-piece polymer cover to enclose the pointer 23 in the housing 21, would constitute a substantial reconstruction and redesign of the housing 21. Accordingly, such a modification of the housing 21 would not have been obvious. See MPEP § 2143.01VI.

In another example, claim 3 recites "the hinge includes a first portion that is integrated with the polymer housing and a second portion that is integrated with the one-piece clear polymer cover." As discussed above, Hungerford's door 6 is hingedly secured to the case 1. However, there is no indication that Hungerford includes a hinge that includes a first portion that is integrated with the case 1 and a second portion that is integrated with the door 6.

For at least these additional reasons, claims 2 and 3 are allowable over any proper combination of Simpson and Hungerford.

Claim 25, which depends from claim 1, was rejected as being unpatentable over Simpson and Hungerford in view of U.S. Patent No. 2,800,248 (Truesdell). Applicants request reconsideration and withdrawal of this rejection because, like Simpson and Hungerford, Truesdell does not describe or suggest a hand-operated fastening device that secures a one-piece clear polymer cover to a polymer housing such that an interaction between the polymer housing and the one-piece clear polymer cover creates a seal between the one-piece clear polymer cover and the polymer housing, as recited in amended claim 1.

In Truesdell, an instrument housing includes a receptacle 7 and a cover 8 that mates with the receptacle 7. However, there is no suggestion that the cover 8 is a one-piece clear polymer cover, that the receptacle 7 is a polymer housing, or that an interaction between the cover 8 and the instrument housing creates a seal. Additionally, Truesdell does not include a hinge.

Accordingly, claim 1 is allowable over any proper combination of Simpson, Hungerford, and Truesdell, and claim 25 is allowable for at least the reasons that claim 1 is allowable and for containing allowable subject matter in its own right.

New Claim

New claim 29 depends from claim 1 and is allowable for at least the reasons discussed above with respect to claim 1. Moreover, claim 29 recites allowable subject matter in its own right. Claim 29 recites that the one-piece polymer cover is secured to the polymer housing at a single access point. Neither Simpson nor Hungerford describe such a feature. As discussed above, Simpson does not include a one-piece polymer cover. In Hungerford, the door 6 is secured to the case by a pair of lockable latches 6B at the opposite side. Thus, claim 29 is allowable over any proper combination of Simpson and Hungerford.

Conclusion

Applicants submit that all claims are in condition for allowance.


It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Pursuant to 37 CFR §1.136, Applicants hereby petition that the period for response to the Office Action dated November 15, 2007, be extended for one month to and including March 17, 2008. Applicants note that March 15, 2008 occurred on a Saturday.

Fees in the amount of \$170 in payment for the Petition for Extension of Time fee (\$120) and the Excess Claims fee (\$50) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No additional fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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Meghan A. McGovern
Reg. No. 60,476

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331